

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO.:

CHARISSE HARRIS

18-14970-JDW

**TRUSTEE'S RESPONSE
TO MOTION TO INCUR NEW INDEBTEDNESS**

COMES NOW the Chapter 13 Trustee, Locke D. Barkley (the "Trustee"), by and through counsel, and files this response to the Debtor's Motion to Incur New Indebtedness (Dkt. #32) (the "Motion"); and in support thereof states as follows:

1. Beginning in February 2019 and continuing through the date of this response, the Debtor's plan payments were to be remitted pursuant to Orders Directing Employer to Withhold Deduction from Pay and Directing Payment to Chapter 13 Trustee (*See* Dkt. #9 & 30). The current plan payment is \$536.50 bi-weekly.

2. Beginning with March 28, 2019, the funds received from the employer have been consistently less than the required plan payment. The Debtor has made additional payments directly to the Trustee during that period; however, the Debtor became delinquent in plan payments. The Trustee alleges that the Debtor does not earn enough income to meet the withholding requirements for the plan payment.

3. Considering the Debtor's schedules of income and expenses, together with the apparent reduction of income, the Trustee alleges that the Debtor will be unable to maintain plan payments and those payments which become due for the proposed indebtedness.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that this response be received and filed and upon a hearing hereon, this Court will enter its order denying the Motion. The Trustee also requests such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: June 6, 2019

Respectfully submitted,

LOCKE D. BARKLEY, TRUSTEE

/s/ W. Jeffrey Collier
ATTORNEYS FOR TRUSTEE
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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: June 6, 2019

/s/ W. Jeffrey Collier
W. JEFFREY COLLIER